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EAST HELENA CITIZEN'S ADVISORY COUNCIL/COMMITTEE

P.O. Box 712
East Helena, MT 59635

March 2, 1998

SDMS Document ID

John Wardell
U.S. Environmental Protection Agency
301 South Park Street
Drawer 10096
Helena, MT 59626

ENVIRONM
PROTECTION



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MONTANA OFFICE

Re: ASARCO East Helena Consent Decree

Dear Mr. Wardell:

In reviewing the ASARCO East Helena Consent Decree and related events, the East Helena Citizens' Advisory Council ("Council") has raised the following questions:

- (1) When the abovementioned Consent Decree was circulated in draft form, why were no copies sent to the City of East Helena or the Council? At the February 11, 1998 Council meeting, Scott Brown of EPA assured the Council that copies of the draft Consent Decree were available at East Helena City Hall. In fact, copies had not been sent to City Hall. The draft Consent Decree was not available to East Helena citizens until Thursday, February 12, 1998.
- (2) Who in the Environmental Protection Agency decided that the 3.8 million dollar fine to be paid by ASARCO under the Consent Decree would be deposited in the U.S. treasury, and what law or rule provides authority for this decision? Mayor Larry Moore told the Council that the proceeds of ASARCO's fine could be used to upgrade the City's water and sewer system, which was last upgraded in 1964. ASARCO was willing to pay the fine to the City for these purposes, however, we understand that EPA rejected this proposal.

The Council would appreciate your assistance in addressing these questions.

Sincerely,

Betty Beniger

Betty Beniger

Chairperson

East Helena Citizens' Advisory Council/Committee

cc: Governor Marc Racicot
Senator Conrad Burns
Senator Max Baucus